

Using the “Menu of Suggested Provisions for Public Health Mutual Aid Agreements”

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Public Health Preparedness Summit
Feb. 22, 2011



Public Health Law Program

Office for State, Tribal, Local, and Territorial Support

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What is Mutual Aid?

- ❑ Assistance rendered by one government entity to help another government entity respond to emergency conditions**
- ❑ Sharing of supplies, equipment, personnel, and information across political boundaries**
- ❑ Important for effective and efficient response**

Why Mutual Aid Agreements?

- ❑ **EMAC provides a tool in certain situations...**
- ❑ **What if the scenario is outside of EMAC?**
 - State declaration of emergency not triggered
 - Volunteers rather than state employees
 - Sharing resources at the local level

Supplementing EMAC

- ❑ **EMAC provides a “broad base common to all states, and nothing herein contained shall preclude any state from entering into supplementary agreements with another state or affect any other agreements already in force....”**

EMAC, Article VII

Compliance with the Constitution

- ❑ **Article I, section 10, clause 3: “No State shall, without the consent of Congress,*** enter into any Agreement or Compact with another State or with a foreign Power[.]”**

- ❑ **Options**
 - Seek Congressional Approval
 - Execute Non-binding Agreements without Congressional Approval
 - Department of State can be consulted

Steps for Developing a Mutual Aid Agreement

- ❑ Assess need for mutual aid**
- ❑ Analyze law - legal barriers?**
- ❑ Coordinate state cross-border efforts**
- ❑ Coordinate federal and state cross-border efforts**

What Needs to Be Shared?

- ❑ Planning information**
- ❑ Epidemiologic info/lab specimens**
- ❑ Equipment and supplies**
- ❑ Unlicensed personnel**
- ❑ Licensed personnel**


Mutual Aid

- ❑ Mutual Aid Menu
- ❑ Mutual Aid Inventory
- ❑ <http://www2.cdc.gov/phlp/mutualaid/index.asp>

Mutual Aid goes live!

You are invited to visit CDC's Public Health Law Program website, featuring Mutual Aid. Updates are coming fast and furious so visit often to get the most recent news on Mutual Aid.

<http://www2a.cdc.gov/phlp/mutualaid.asp>



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Mutual Aid

Border Ahead

Mutual aid agreements can be effective tools to assist U.S. state and local governments, tribes, Canadian provinces, First Nations, and Mexican states in sharing information, data, supplies, resources, equipment, or personnel for the purpose of protecting the public's health. Resources which can be accessed here include:

- [A Menu of Suggested Provisions for Public Health Mutual Aid Agreements](#)
- [An Inventory of Mutual Aid Agreements and Related Resources](#)

There are currently several agreements in the works, please visit often to get the updates. All current additions will be posted and highlighted on this page (under "new" in the box to the right).

If you have any questions or just want to chat about Mutual Aid, drop me a line!

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New Stuff

Mutual Aid Agreement Between New England States and Canadian Provinces Receives Congressional Approval


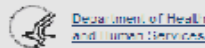
The mutual aid agreement discussed below was signed into law by the President on December 28, 2007.

On December 17th, the House of Representatives passed House Joint Resolution 58, a companion to Senate Joint Resolution 13, which had earlier been passed by the Senate. The Joint Resolutions provide Congressional approval of the International Emergency Management Assistance Memorandum of Understanding (IEMAMOU), a mutual aid agreement executed in 2003 by the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, and the provinces of Labrador, New Brunswick, Newfoundland, Nova Scotia, Prince Edward Island, and Quebec.

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Mutual Aid Menu

□ Provisions

- Agreement Purpose or Background
- Organization and Coordination
- Request and Response Procedures
- Licenses and Permits
- Liability, Immunity, and Indemnity
- Costs and Reimbursement
- Legal Scope or Effect
- Workers' Compensation,
Death Benefits, and Insurance
- Dispute Resolution
- Fees, Funding, and
Appropriations
- Supplemental Agreements
or Parties
- Amendments
- Effective Date, Term of
Agreement, and Withdrawal
- Signatories
- Definitions
- Tribes

Example 1

■ Effective Date, Term of Agreement, and Withdrawal

■ Descriptive Note

Agreements regularly include provisions for determining when and how an agreement becomes effective, the duration of the agreement, and how a party may withdraw from the agreement.

■ Optional sample provisions

- This agreement is made and entered into this ___ day of _____ by and between Party A and Party B.
- This Agreement will begin on _____, and will terminate on _____.
- This Agreement is effective upon its execution or adoption by any two Parties, and is effective as to any other Party upon its execution or adoption thereby. The Agreement may be executed in multiple counterparts or duplicate originals, each of which shall constitute and be deemed as one and the same document. ETC....

Example 2

■ **Dispute Resolution**

■ Descriptive Note

This sort of provision is generally neither required nor prohibited by law. Nonetheless, it is advisable to consult with legal counsel before determining the means, if any, for resolving disputes. Some states and other jurisdictions, for example, may be prohibited by law from consenting to binding arbitration as a dispute resolution mechanism.

■ Agreeing to informal resolution:

- Should disagreement arise on the interpretation of the provisions of this Agreement that cannot be resolved at the operating level, the area(s) of disagreement shall be stated in writing by each Party and presented to the other Party for consideration. If agreement on interpretation is not reached within thirty days, the Parties shall forward the written presentation of the disagreement to respective higher officials for appropriate resolution.

Example 2

■ **Dispute Resolution**

- Establishing a dispute resolution entity:
 - In the event that a dispute arises under this Agreement, the Parties will make every effort to resolve the disagreement at the lowest organizational level. If those efforts are not successful, the Parties will seek input from their next higher decision-making authority. Unresolved disputes shall be brought before a Dispute Board, composed of one member appointed by each Party. The Dispute Board shall review the facts, applicable statutes and rules, and make a determination regarding the dispute. The Parties agree to abide by the Dispute Board determination.

Example 2

■ **Dispute Resolution**

- Submitting disputes to arbitration:
 - Should a dispute arise between Parties, involved Parties will make every effort to resolve the dispute within 30 days of written notice of the dispute by the party asserting noncompliance. In the event that the dispute is not resolved within 90 days of the written notice, a Party may request the dispute be resolved through arbitration. Arbitration under this provision shall be conducted under the commercial arbitration rules of the American Arbitration Association.
- Creating a right to withdraw from the agreement:
 - In the event of a breach of this Agreement, the remedy will be the right to terminate this Agreement, in whole or in part, by any Party without penalty of cost or expenses associated with breach.

Mutual Aid Inventory

□ Parties

- International
- Interstate
- Intrastate
- Tribal

□ Coverage

- Emergency Management
- Public Health Emergency
- Public Health Data Sharing
- Public Health and Science Collaboration
- Etc.

Questions?

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The findings and conclusions in this report are those of the authors and do not necessarily represent the official position of the Centers for Disease Control and Prevention.



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